

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of West Virginia  
(State)

Case number (if known): \_\_\_\_\_ Chapter 11

FILED IN CHARLESTON  
U.S. BANKRUPTCY COURT

2016 AUG 31 P 3:58

Check if this is an  
amended filing

SOUTHERN DISTRICT  
WEST VIRGINIA

Official Form 201

## Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	Redbud Dock, LLC		
2. All other names debtor used in the last 8 years			
Include any assumed names, trade names, and <i>doing business as</i> names			
3. Debtor's federal Employer Identification Number (EIN)	<u>2 6 - 2 6 9 1 1 4</u>		
4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business	
PO Box 1051 Number Street		Number Street	
Catlettsburg, KY 41129 City State ZIP Code		P.O. Box City State ZIP Code	
Boyd County		Location of principal assets, if different from principal place of business	
		Number Street	
		City State ZIP Code	
5. Debtor's website (URL)			
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____		

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Debtor Name	Redbud Dock, LLC	Case number (if known)
<p><b>7. Describe debtor's business</b></p> <p>A. Check one:</p> <p><input type="checkbox"/> Health Care Business (as defined in 11 U.S.C. § 101(27A)) <input type="checkbox"/> Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B)) <input type="checkbox"/> Railroad (as defined in 11 U.S.C. § 101(44)) <input type="checkbox"/> Stockbroker (as defined in 11 U.S.C. § 101(53A)) <input type="checkbox"/> Commodity Broker (as defined in 11 U.S.C. § 101(6)) <input type="checkbox"/> Clearing Bank (as defined in 11 U.S.C. § 781(3)) <input checked="" type="checkbox"/> None of the above</p> <p>B. Check all that apply:</p> <p><input type="checkbox"/> Tax-exempt entity (as described in 26 U.S.C. § 501) <input type="checkbox"/> Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3) <input type="checkbox"/> Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))</p> <p>C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <a href="http://www.uscourts.gov/four-digit-national-association-naics-codes">http://www.uscourts.gov/four-digit-national-association-naics-codes</a>.</p> <p>— — — — —</p> <p><b>8. Under which chapter of the Bankruptcy Code is the debtor filing?</b></p> <p>Check one:</p> <p><input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11. Check all that apply:</p> <p><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that). <input type="checkbox"/> The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B). <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). <input type="checkbox"/> The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the <i>Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11</i> (Official Form 201A) with this form. <input type="checkbox"/> The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2. <input type="checkbox"/> Chapter 12</p> <p><b>9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?</b></p> <p>If more than 2 cases, attach a separate list.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. District _____ When _____ Case number _____ MM / DD / YYYY District _____ When _____ Case number _____ MM / DD / YYYY</p> <p><b>10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?</b></p> <p>List all cases. If more than 1, attach a separate list.</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes. Debtor <u>See Attached List</u> Relationship _____ District _____ When _____ MM / DD / YYYY Case number, if known _____</p>		

Debtor Redbud Dock, LLC \_\_\_\_\_ Case number (if known) \_\_\_\_\_  
Name \_\_\_\_\_

11. Why is the case filed in *this district?* *Check all that apply:*
- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?  No  
 Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention? (Check all that apply.)**
- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other \_\_\_\_\_

Where is the property? \_\_\_\_\_  
Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Is the property insured?

No  
 Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

#### Statistical and administrative information

13. Debtor's estimation of available funds *Check one:*
- Funds will be available for distribution to unsecured creditors.  
 After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.
14. Estimated number of creditors  1-49  1,000-5,000  25,001-50,000  
 50-99  5,001-10,000  50,001-100,000  
 100-199  10,001-25,000  More than 100,000  
 200-999
15. Estimated assets  \$0-\$50,000  \$1,000,001-\$10 million  \$500,000,001-\$1 billion  
 \$50,001-\$100,000  \$10,000,001-\$50 million  \$1,000,000,001-\$10 billion  
 \$100,001-\$500,000  \$50,000,001-\$100 million  \$10,000,000,001-\$50 billion  
 \$500,001-\$1 million  \$100,000,001-\$500 million  More than \$50 billion

Debtor Name	Redbud Dock, LLC			Case number (if known)
16. Estimated liabilities	<input type="checkbox"/> \$0-\$50,000	<input checked="" type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion	
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion	
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion	
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion	

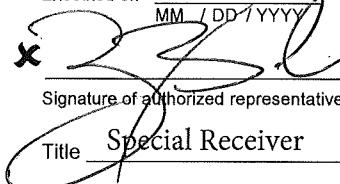
### Request for Relief, Declaration, and Signatures

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor
- The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- I have been authorized to file this petition on behalf of the debtor.
- I have examined the information in this petition and have a reasonable belief that the information is true and correct.

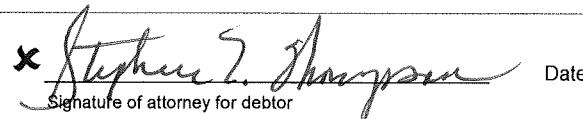
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/31/2016

  
Zachary B. Burkons  
Signature of authorized representative of debtor  
Title Special Receiver

Zachary B. Burkons  
Printed name

18. Signature of attorney

  
Stephen L. Thompson  
Signature of attorney for debtor

8/31/16  
MM / DD / YYYY

Stephen L. Thompson

Printed name

Barth & Thompson

Firm name

P.O. Box 129

Number              Street             

Charleston

City

WV 25321

State              ZIP Code             

304-342-7111

Contact phone

s  
Email address

3751

Bar number

WV

State

Fill in this information to identify the case:

Debtor name	REDBUD DOCK, LLC
United States Bankruptcy Court for the:	SOUTHERN
	District of WV (State)
Case number (if known):	_____

Check if this is an amended filing

## Official Form 204

### Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1 Community Trust Bank, Inc. PO Box 2947 Pikeville, KY						Unknown
2 Caterpillar Financial Services Corp. 2120 West End Avenue Nashville, TN 37203						Unknown
3 CT Lien Solutions PO Box 29071 Glendale, CA 91209-9071						Unknown
4 MVB Bank, Inc. 400 Washington Street E Charleston, WV 25301						Unknown
5 Thermo Fisher Financial Services, Inc. 81 Wyman Street Waltham, MA 02454						Unknown
6						
7						
8						

Debtor	Case number ( <i>if known</i> )						
	Name						
<b>Name of creditor and complete mailing address, including zip code</b>		<b>Name, telephone number, and email address of creditor contact</b>	<b>Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)</b>	<b>Indicate if claim is contingent, unliquidated, or disputed</b>	<b>Amount of unsecured claim</b> If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					<b>Total claim, if partially secured</b>	<b>Deduction for value of collateral or setoff</b>	<b>Unsecured claim</b>
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Debtor: Redbud Dock, LLC

10. Bankruptcy Cases Pending or Being Filed by a Business Partner or an Affiliate of the Debtor

- |                                                                                                                                 |                                            |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. Debtor: Green Coal, LLC<br>District: Southern District of West Virginia<br>Case Number, if known:                            | Relationship: Affiliate<br>When: 8/31/2016 |
| 2. Debtor: Joint Venture Development, LLC<br>District: Southern District of West Virginia<br>Case Number, if known:             | Relationship: Affiliate<br>When: 8/31/2016 |
| 3. Debtor: Producer's Coal, Inc.<br>District: Southern District of West Virginia<br>Case Number, if known:                      | Relationship: Affiliate<br>When: 8/31/2016 |
| 4. Debtor: Producer's Land, LLC<br>District: Southern District of West Virginia<br>Case Number, if known:                       | Relationship: Affiliate<br>When: 8/31/2016 |
| 5. Debtor: Appalachian Mining and Reclamation, LLC<br>District: Southern District of West Virginia<br>Case Number, if known:    | Relationship: Affiliate<br>When: 8/31/2016 |
| 6. Debtor: Sabbatical, Inc.<br>District: Southern District of West Virginia<br>Case Number, if known: 3:16-bk-30247             | Relationship: Affiliate<br>When: 5/18/2016 |
| 7. Debtor: The Silo Golf Course LLC<br>District: Southern District of West Virginia<br>Case Number, if known: 3:16-bk-30369     | Relationship: Affiliate<br>When: 8/12/2016 |
| 8. Debtor: The Little Kentucky Elk, LLC<br>District: Southern District of West Virginia<br>Case Number, if known: 3:16-bk-30251 | Relationship: Affiliate<br>When: 5/18/2016 |
| 9. Debtor: Moussie Processing, LLC<br>District: Southern District of West Virginia<br>Case Number, if known: 3:16-bk-30248      | Relationship: Affiliate<br>When: 5/18/2016 |
| 10. Debtor: DJWV1, LLC<br>District: Southern District of West Virginia<br>Case Number, if known: 3:16-bk-30249                  | Relationship: Affiliate<br>When: 5/18/2016 |

11. Debtor: DJWV2, LLC (Involuntary)  
District: Southern District of West Virginia  
Case Number, if known: 3:16-bk-30062      Relationship: Affiliate  
When: 2/12/2016
12. Debtor: Southern Marine Services Limited  
Liability Company (Involuntary)  
District: Southern District of West Virginia  
Case Number, if known: 3:16-bk-30063      Relationship: Affiliate  
When: 2/12/2016
13. Debtor: Southern Marine Terminal, LLC (Involuntary)      Relationship: Affiliate  
District: Southern District of West Virginia      When: 2/12/2016  
Case Number, if known: 3:16-bk-30064

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

IN RE: : Case No.:  
REDBUD DOCK, LLC, : Chapter 11  
Debtor. : :

**RESOLUTION REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, **Zachary B. Burkons**, declare under penalty of perjury that I am the duly appointed **Special Receiver of Redbud Dock, LLC** (“**Debtor**”), and that the following is a true and correct copy of the resolution adopted by the aforementioned Debtor, a Kentucky limited liability company, at a special meeting duly called and held on the 31<sup>st</sup> day of August, 2016.

**RECITALS**

WHEREAS, the Debtor is subject to litigation with Peoples Bank, National Association (“**Bank**”) in the Circuit Court of Cabell County, West Virginia – Business Court Division (“**State Court**”), a Civil Action No. 15-C-807 (“**State Court Case**”); and,

WHEREAS, on or about May 18, 2016, the Honorable Joanna I. Tabit entered the *Order Granting Peoples Bank, National Association’s Motion to Appoint Special Receiver* (“**Original Receiver Order**”); and,

WHEREAS, pursuant to the Original Receiver Order, Judge Tabit appointed David G. Zatezalo (“**Mr. Zatezalo**”) as the Special Receiver for the Debtor; and,

WHEREAS, the Original Receiver Order authorized Mr. Zatezalo to “fil[e] a petition in bankruptcy for [the Debtor]”; and,

WHEREAS, the Original Receiver Order vested Mr. Zatezalo with “the standing and all power and authority of: (i) the board of directors, shareholders, members, manager and general partner or partners of the [Debtor], or corporate officer(s) as the case may be”; and,

WHEREAS, on August 16, 2016, Judge Tabit entered that certain *Order Following August 15, 2016 Hearing* (“**Second Receiver Order**”); and,

WHEREAS, as set forth in the Second Receiver Order, Judge Tabit appointed Zachary B. Burkons as the successor Special Receiver to Mr. Zatezalo in order to continue operation within the receivership; and,

WHEREAS, Zachary B. Burkons, as Special Receiver for the Debtor with the power and authority as member and manager of the Debtor to file a petition for bankruptcy, has determined that it is in the best interest of the Debtor to file a voluntary petition in the United States Bankruptcy

Court for the Southern District of West Virginia ("Bankruptcy Court") pursuant to Chapter 11 of Title 11 of the United States Code.

**RESOLUTIONS**

BE IT THEREFORE RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Debtor in the Bankruptcy Court; and,

BE IT FURTHER RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, is authorized and directed to appear in all bankruptcy proceedings on behalf of the Debtor, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the Debtor in connection with such bankruptcy case; and,

BE IT FURTHER RESOLVED, that **Zachary B. Burkons**, as Special Receiver for the Debtor, is authorized and directed to retain Stephen L. Thompson, Esq., and the law firm of Barth & Thompson, to represent the Debtor.

IN WITNESS WHEREOF, I have executed my name as Special Receiver of the Debtor on the date first above written.

Date: August 31, 2016

**REDBUD DOCK, LLC**

By:

Print: Zachary B. Burkons

Title: Special Receiver

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE: : Case No.:  
REDBUD DOCK, LLC, :  
: Chapter 11  
: Debtor. :

**VERIFIATION OF CREDITOR MAILING MATRIX**

I, **Zachary B. Burkons**, declare under penalty of perjury that I am the duly appointed **Special Receiver** of Redbud Dock, LLC ("Debtor"), and that I uploaded the attached creditor matrix.

Date: August 31, 2016

**REDBUD DOCK, LLC**

By: \_\_\_\_\_  
Print: Zachary B. Burkons  
Title: Special Receiver

redbud mailing matrix

Community Trust Bank  
PO Box 2947  
Pikeville, KY 41501

Caterpillar Financial Services Corp.  
2120 West End Avenue  
Nashville, TN 37203

CT Lien Solutions  
PO Box 29071  
Glendale, CA 91209-9071

MVB Bank, Inc.  
400 Washington Street E  
Charleston, WV 25301

Thermo Fisher Financial Services, Inc.  
81 Wyman Street  
Waltham, MA 02454

Peoples Bank, NA  
138 Putnam Street  
Marietta, OH 45750